

MONDAY, APRIL 1, 1996

EIGHTY- FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Pastor Wade Wallace, Beaver Baptist Church, Munford, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Purcell; illness.

Representative Fitzhugh; family death.

Representative Cole(Carter); personal reasons.

Representative Huskey; personal reasons.

Representative Robinson; personal reasons.

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Representative Jackson; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 431: Rep(s). McMillan as prime sponsor(s).

House Joint Resolution No. 483: Rep(s). McMillan as prime sponsor(s).

House Bill No. 763: Rep(s). Williams(Williamson) as prime sponsor(s).

House Bill No. 893: Rep(s). Ritchie, Dunn, Haley and Pinion as prime sponsor(s).

House Bill No. 1273: Rep(s). Ritchie, Dunn, Kent, Bittle, McDaniel, Peach, Haley and Pinion as prime sponsor(s).

House Bill No. 2489: Rep(s). Cantrell, Whitson, Winningham, Sharp, Burchett, Towns, Bittle, Pinion, Kent, Buck, Duer, Stulce and Peach as prime sponsor(s).

House Bill No. 2795: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 2862: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2980: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 3062: Rep(s). Kent as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Roach was/were removed as sponsor(s) of **House Bill No. 2972**.

MESSAGE FROM THE GOVERNOR

April 1, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1949, 2052, 2331, 2427, 2436, 2525 and 3100, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2884; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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Senate Bill No. 2884 -- Veterinarians - Authorizes nonveterinarians to own and operate veterinary hospitals and facilities under certain circumstances. by *Womack.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 507-- Highway Signs - "James M. B. Nickell Highway," segment of S.R. 50, Hickman County. by *Jackson.

Transportation Committee

House Joint Resolution No. 508 -- General Assembly, Studies - Creates special joint committee to study shoplifting, worthless checks, scanner fraud and other types of fraud perpetrated against retail industry. by *Williams (Williamson).

Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 4, 1996:

House Resolution No. 201 -- Memorials, Public Service - K. C. Dodson. by *Duer.

House Resolution No. 202 -- Memorials, Public Service - Douglas F. Crosier. by *Callicott.

House Joint Resolution No. 509 -- Memorials, Sports - 1995 Lewis County High School football team. by *White.

House Joint Resolution No. 510 -- Memorials, Death - Betty Osbourn Reagan. by *Callicott, *Williams (Williamson).

House Joint Resolution No. 511 -- Naming and Designating - Commemorates designation of Pulaski U.S. Post Office in honor of late Senator Ross Bass. by *Fowkes.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 4, 1996:

Senate Joint Resolution No. 393 -- Memorials, Recognition and Thanks - Outstanding Women of Tennessee. by *Wright, *Harper, *O'Brien.

Senate Joint Resolution No. 403 -- Memorials, Death - Robert A. (Bobby) Edwards. by *Rochelle.

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Senate Joint Resolution No. 404 -- Memorials, Academic Achievement - Lori Baker, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 405 -- Memorials, Academic Achievement - Melissa Woodard, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 406 -- Memorials, Academic Achievement - Brian Lee Smith, Valedictorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 407 -- Memorials, Academic Achievement - Mary Katherine Brooks, Co-Salutatorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 408 -- Memorials, Academic Achievement - Jimmy Christian, Co-Salutatorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 409 -- Memorials, Academic Achievement - Jason Chad Halliburton, 1996 valedictorian, Trousdale County High School. by *Rochelle.

Senate Joint Resolution No. 410 -- Memorials, Academic Achievement - Jonathan Edward Linville, 1996 Trousdale County High School salutatorian. by *Rochelle.

Senate Joint Resolution No. 411 -- Memorials, Academic Achievement - Kylie Marie Beck, 1996 valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 412 -- Memorials, Academic Achievement - Lynna Suzanne Beavers, 1996 Salutatorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 413 -- Memorials, Academic Achievement - Sonya Rae Smith, 1996 valedictorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 414 -- Memorials, Academic Achievement - Amber Ervin, 1996 Salutatorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 415 -- Memorials, Academic Achievement - David T. Alcorn, 1996 valedictorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 416 -- Memorials, Academic Achievement - Kristine Suzanne McCulloch, 1996 Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 417 -- Memorials, Academic Achievement - Leslie Leigh Hall, 1996 Valedictorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 418 -- Memorials, Academic Achievement - Richard "Alan" Russell, 1996 Salutatorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 419 -- Memorials, Academic Achievement - Mary Dorriese Kellams, 1996 Mt. Juliet Christian Academy valedictorian. by *Rochelle.

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Senate Joint Resolution No. 420 -- Memorials, Academic Achievement - Katie Elizabeth "Beth" Guy, 1996 Salutatorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 424 -- Memorials, Retirement - June Sparger. by *Holcomb.

Senate Joint Resolution No. 425 -- Memorials, Death - M.E. "Mori" Greiner. by *Cohen.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3283 -- Monroe County - Subject to local approval, establishes county permit fee. Amends Chapter 82, Private Acts of 1965, as amended. by *Gunnels, *McKee.

House Bill No. 3284 -- Gallatin - Subject to local approval, changes time for city election from December to regular November election. Amends Chapter 67 of the Private Acts of 1953, as amended. by *Stamps.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3282 -- Kingsport -- Local Bill Held on House Desk

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3287, was referred to the Delayed Bills Committee.

***House Bill No. 3287** -- Military - Allows U.S. military or Tennessee national guard troops to have right-of-way on any streets or highways and to be exempt from any regulations or limitations normally imposed by law on use of such streets and highways. Amends TCA Section 58-1-601. by *Windle.

CONSENT CALENDAR

House Bill No. 3024 -- Railroads - Authorizes CSX, Inc. to abandon certain railroad rights of way in Davidson County. by *Arriola. (*SB2907 by *Henry)

On motion, House Bill No. 3024 was made to conform with **Senate Bill No. 2907**; the Senate Bill was substituted for the House Bill.

House Bill No. 2514 -- Motor Vehicles, Titling and Registration - Provides that retired members of armed forces participating in voluntary early retirement eligible for

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special license plates for retired members of military. Amends TCA Title 55, Chapter 4, Part 2. by *Venable. (*SB2195 by *Crowe)

On motion, House Bill No. 2514 was made to conform with **Senate Bill No. 2195**; the Senate Bill was substituted for the House Bill.

House Bill No. 3151 -- Highway Signs - "A. J. Stalcup Highway," segment of S.R. 67, Johnson County. by *Venable. (*SB3044 by *Crowe)

On motion, House Bill No. 3151 was made to conform with **Senate Bill No. 3044**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2267** -- Zoning - Authorizes counties having charter form of government to amend zoning ordinances by resolution; validates certain previously enacted zoning amendments which were accomplished by resolution rather than ordinance. Amends TCA Title 5, Chapter 1, Part 2 and Section 13-7-105. by *Joyce, *Byrd, *Boyer. (SB2946 by *Ford J)

On motion, House Bill No. 2267 was made to conform with **Senate Bill No. 2946**; the Senate Bill was substituted for the House Bill.

***Senate Joint Resolution No. 340** -- Highway Signs - "Ernest Crouch Memorial Bridge," Hickory Creek on S.R. 286, Warren County. by *Cooper, *Atchley, *Burks, *Carter, *Cohen, *Crowe, *Crutchfield, *Dixon, *Eisea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

House Bill No. 2616 -- Taxes, Sales - Redefines "farm equipment and machinery" to include livestock trailers for sales tax purposes. by *Callicott, *Davidson, *Head, *Cole (Dyer), *Windle, *Walley, *Williams (Union), *Phelan, *Givens, *Eckles, *Pinion, *McDonald, *Newton. (*SB2776 by *Springer)

On motion, House Bill No. 2616 was made to conform with **Senate Bill No. 2776**; the Senate Bill was substituted for the House Bill.

House Bill No. 2700 -- Health - Revises exemption of present law from Tennessee licensure requirements for emergency service licensed in good standing in another state if rendering emergency medical service at request of county or municipality instead of "regularly rendering services" as stated in present law. Amends TCA Title 68, Chapter 140, Part 5. by *Turner (Hamilton). (*SB2741 by *Holcomb)

On motion, House Bill No. 2700 was made to conform with **Senate Bill No. 2741**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2030** -- Mining and Quarrying - Requires person from each licensed mining operation be trained and available as mine rescue corps substitute worker. Amends TCA Title 59. by *Bittle, *McDaniel, *McAfee, *Davis, *Newton. (SB2069 by

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*McNally, *Holcomb, *Miller J, *Fowler, *Elsea, *Carter, *Crowe, *Rice, *Koella, *Gilbert, *Atchley, *Haun)

On motion, House Bill No. 2030 was made to conform with **Senate Bill No. 2069**; the Senate Bill was substituted for the House Bill.

House Bill No. 2832 -- Sunset Laws - Extends certain agencies which provide mental health and mental retardation services until June 30, 1998. Amends TCA Title 4, Chapter 29. by *Kernell. (*SB2959 by *Haynes)

On motion, House Bill No. 2832 was made to conform with **Senate Bill No. 2959**; the Senate Bill was substituted for the House Bill.

House Bill No. 2122 -- Sunset Laws - Tennessee alliance for fitness and health, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 40. by *Kernell, *Garrett, *Brooks. (*SB2020 by *Haynes)

On motion, House Bill No. 2122 was made to conform with **Senate Bill No. 2020**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2275** -- County Officers - Removes prohibition against changing salary of county executive during such official's term of office. Amends TCA Section 8-24-114. by *Huskey, *Westmoreland. (SB2411 by *Koella, *Crutchfield, *Elsea, *Springer)

House Bill No. 3059 -- Mental Illness - Revises criteria which determine persons liable and degree of liability for services rendered by department of mental health and mental retardation. Amends TCA Title 33, Chapter 4. by *McDaniel, *Bittle, *Davis. (*SB3159 by *Holcomb, *Fowler, *Miller J, *Rice, *Koella, *Leatherwood, *McNally, *Elsea, *Atchley, *Person)

Senate Joint Resolution No. 386 -- Memorials, Sports - 1995 Goodpasture Christian School football team, TSSAA, Class 2-A state champions. by *Haynes, *Henry, *Harper.

House Joint Resolution No. 505 -- Memorials, Death - Tommy Wiggington, Mayor of Michie. by *Rinks.

Senate Joint Resolution No. 392 -- Memorials, Professional Achievement - Joe Smelser, Agribusiness Person of the Year. by *Atchley.

Senate Joint Resolution No. 394 -- Memorials, Sports - 1995-1996 Hickman County girls' basketball team. by *Springer.

Senate Joint Resolution No. 395 -- Memorials, Professional Achievement - WAMB Radio, 25th Anniversary. by *Henry.

Senate Joint Resolution No. 398 -- Memorials, Personal Occasion - Grover and Eva Marlin, 50th Anniversary. by *Haynes.

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Senate Joint Resolution No. 399 -- Memorials, Sports - Erin McGinnis, TSSAA Class AAA Gill Gideon "Miss Basketball." by *McNally, *O'Brien.

Senate Joint Resolution No. 400 -- Memorials, Sports - 1995-1996 Oak Ridge High School girls' basketball team. by *McNally, *O'Brien.

House Bill No. 3267 -- School Districts, Special - Provides for election by people of all members of Paris Special School District board of education. Amends Chapter 150 of the Private Acts of 1919. by *Ridgeway. (SB3255 by *Hamilton)

House Bill No. 3268 -- Dickson County - Subject to local approval, provides newly constituted board of education elected by popular vote. Amends Chapter 6 of the Private Acts of 1983. by *Jackson. (SB3260 by *Springer)

House Bill No. 3269 -- Dyersburg - Subject to local approval, amends charter relative to filling vacancies on board of mayor and aldermen. by *Cole (Dyer). (SB3258 by *Hamilton)

House Bill No. 3270 -- Robertson County - Subject to local approval, abolishes county domestic relations and workmen's compensation court. Repeals Chapter 220 of the Private Acts of 1965. by *Davidson. (SB3264 by *Wright)

House Bill No. 3274 -- Lauderdale County - Subject to local approval, abolishes county general hospital district. Repeals Chapter 626 of the Private Acts of 1937. by *Fitzhugh. (SB3265 by *Leatherwood)

House Bill No. 3275 -- Manchester - Subject to local approval, authorizes holding of an advisory, nonbinding referenda. Amends Chapter 273 of the Private Acts of 1959. by *Lewis. (SB3271 by *Burks)

House Bill No. 3276 -- Englewood - Subject to local approval, changes date of town election to date of state general election in August of even-numbered years; changes certain provisions related to recorder and marshal. Amends Chapter 30 of the Acts of 1919. by *McKee. (SB3266 by *Elsa)

House Bill No. 3277 -- Clarksville - Subject to local approval, authorizes parking authority to establish schedule of civil penalties and grievance procedures for violations of certain parking regulations. Amends Chapter 80 of the Private Acts of 1965. by *Head, *McMillan. (SB3259 by *Rice)

House Bill No. 3280 -- Madison County - Subject to local approval, creates centralized accounting system. Amends Chapter 163 of the Private Acts of 1986, as amended. by *Kisber, *McDaniel. (SB3269 by *Carter)

House Bill No. 3281 -- Rockwood - Subject to local approval, creates new municipal election date to coincide with other municipal elections in county. Amends Chapter 327 of the Acts of 1903. by *Cantrell. (SB3267 by *O'Brien)

House Joint Resolution No. 506 -- Memorials, Public Service - John David Jackson.
by *Rigsby.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2275: by Rep. Hargrove

Under the rules, House Bill No: 2275 was/were placed at the foot of the calendar for April 4, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2980 -- Parks, Natural Areas Preservation - Provides that 6 percent of park revenues be retained by department of environment and conservation, to be used for maintenance at state parks, funds not to revert but to be carried forward until expended Amends TCA Title 11, Chapter 3. by *Napier, *Shirley, *Cross, *Odom, *Cantrell, *Curtiss, *McAfee. (*SB3010 by *Gilbert)

Rep. Napier moved that **House Bill No. 2980** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2795 -- Children - Enacts "African-American Culture Awareness Act of 1996," in Shelby County. Amends TCA Title 49. by "Bowers, *Towns, *Miller L, *Brooks, *Turner (Shelby), *Jones R (Shelby), *DeBerry J, *McDaniel, *Jones U (Shelby), *Walley, *Fitzhugh. (*SB2929 by *Ford J, *Wilder, *Harper)

Rep. Bowers moved that **House Bill No. 2795** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	85
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

House Bill No. 3060 -- Regional Authorities - Replaces Obion-Forked Deer Basin Authority with new authority attached to department of environment and conservation. Amends TCA Title 64, Chapter 1, Part 4. by *Walley, *McDaniel, *Bittle, *Davis, *Phelan, *Rinks, *Fitzhugh, *Cole (Dyer), *Pinion. (*SB3161 by *Leatherwood, *Fowler, *Holcomb, *McNally, *Elsea, *Atchley, *Hamilton)

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Rep. Walley moved that **House Bill No. 3060** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 3062 -- Mental Health and Mental Retardation, Dept. of - Requires applicants for employment to submit to investigatory check, including fingerprints, as to prior criminal history. Amends TCA Title 33, Chapter 1. by *Walley, *Bittle, *Davis, *Phelan, *Rinks, *Fitzhugh, *Cole (Dyer), *Pinion, *McDaniel, *Beavers. (*SB3160 by *Miller J, *Fowler, *Rice, *McNally, *Atchley, *Person, *Koella, *Holcomb, *Leatherwood, *Elsea)

Rep. Walley moved that House Bill No. 3062 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3062 by deleting all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 1, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) To help the department determine the suitability of a person for volunteer services or employment and verify the accuracy of information submitted in support of an application to work for the department, any person who applies to work for the department as an employee, or any volunteer, whose function would include direct contact with or direct responsibility for persons with mental illness or developmental disabilities must:

(1) Agree to the release of all investigative records about herself or himself from any source, including federal, state and local governments; and

(2) Supply a fingerprint sample for the conduct of a criminal background investigation by the Tennessee Bureau of Investigation. If no disqualifying record is identified, the bureau shall send the fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(b) The department shall pay the costs for conducting any investigation under this act.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 3062**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halterman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 2177 -- Public Records - Permits register to provide remote electronic access to records on fee basis Amends TCA Title 10, Chapter 7, Part 1. by *Williams (Williamson). (*SB2120 by *Rochelle)

On motion, House Bill No. 2177 was made to conform with **Senate Bill No. 2120**; the Senate Bill was substituted for the House Bill.

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Rep. Williams(Williamson) moved that Senate Bill No. 2120 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2120 by adding the following language at the end of the amendatory language in Section 1:

For the purposes of this section, a reasonable fee or amount for providing access to the remote electronic access information system shall be an amount sufficient to recover the cost of actually providing such services and no more. When determining a reasonable fee for on-line access to review records, such fee and consideration shall not include the cost of storage and maintenance of the records, or the cost of the electronic record storage system.

Nothing in this section shall permit a fee to be charged for records that are viewed, electronic or otherwise, at the locations where they are maintained and stored.

Once a remote electronic access information system is in place, access must be given to all members of the public who desire access to such records, including those who may use such information for proprietary purposes.

On motion, Amendment No. 1 was adopted.

Rep. Williams(Williamson) moved that **Senate Bill No. 2120**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 88

Noes 4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Coffey, Haley, Joyce, Turner (Shelby) -- 4.

A motion to reconsider was tabled.

MONDAY, APRIL 1, 1996 -- EIGHTY- FIRST LEGISLATIVE DAY

House Bill No. 2862 -- Juvenile Offenders - Specifies notification procedures for schools of juvenile offenders. Amends TCA Section 37-1-131. by *Fowlkes, *Windle, *Winningham, *McKee, *Callicott, *McDonald, *Boyer, *Williams (Williamson), *Hargrove, *Ramsey, *Purcell, *Davidson, *Davis, *Rhinehart, *Patton, *Brown, *Buck, *Jones U (Shelby), *Chumney, *Jones, S., *Newton. (*SB2115 by *Cooper)

Rep. Fowlkes moved that House Bill No. 2862 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2862 by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by deleting from subdivision (2) the word and punctuation "prescribes," and by substituting instead the word and punctuation "prescribes.", and is further amended by adding at the end of the existing language the following:

If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding of whether or not the principal of the child's school should be notified. If the court orders notification, the court shall enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law. Such notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor.

On motion, Amendment No. 1 was adopted.

MONDAY, APRIL 1, 1996 -- EIGHTY- FIRST LEGISLATIVE DAY

Rep. Fowlkes moved that **House Bill No. 2862**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 168** -- Medical Occupations - Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63, by *Odom. (SB648 by *Rice)

Rep. Odom moved that House Bill No. 168 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1as follows:

Amendment No. 1

AMEND House Bill No. 168 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 2 through 18 of this act as a new part.

SECTION 2. This act shall be known and may be cited as the "Hypnotherapist Registration Act".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Board" means the board of medical examiners;

(2) "Council" means the board of medical examiners' hypnotherapist council;

(3) "Division" means the division of health related boards as defined by § 68-1-101;

(4) "General Hypnotherapy" means a professional relationship between a registered hypnotherapist and a client in which the registered hypnotherapist provides assistance to the client in matters related to the recreational, vocational, avocational, educational, stress management or self-improvement goals of the client provided such self-improvement goals are not the focus of a medical or mental health disorder;

(5) "Hypnotherapy" means the induction of a hypnotic state in a client to increase motivation or alter behavioral patterns. Hypnotherapy includes consultation with a client to determine the nature of the client's problem, assessment of a client to determine such client's suitability for hypnotherapy, preparation of a client to enter a hypnotic state, explanation to a client of the nature of the hypnotic state, instruction of a client in self- hypnosis conditioning, testing a client to determine the degree of physical and emotional suggestibility, induction of the hypnotic state in a client using individualized methods and techniques based on interpretation of test results and analysis of problems, and discussion with a client regarding the results of hypnosis;

(6) "Independent practice" means the provision to the public of general hypnotherapy or referred hypnotherapy for remuneration by a person who meets all requirements for the practice of hypnotherapy and who has received registration for the practice of hypnotherapy;

(7) "National professional organization" means an organization that is dedicated to providing training, continuing education and performance testing in hypnotherapy that is incorporated in any state of the United States of America, can document active membership in at least fifteen (15) states and has training requirements that are at least sufficient for registration as a registered hypnotherapist in Tennessee;

(8) "Person" means an individual, association, partnership, or corporation;

(9) "Psychotherapy" means a relationship for remuneration between a therapist and a client in which the therapist renders assistance to the client for the purpose of diagnosing, treating, curing, or improving mental health disorders;

(10) "Qualified supervisor" means any person who is a registered hypnotherapist who meets the qualifications for

independent practice of hypnotherapy and has been in practice as a hypnotherapist for at least three (3) years;

(11) "Referred hypnotherapy" means a professional relationship between a registered hypnotherapist and a client in which the registered hypnotherapist either provides assistance to the client in:

(A) matters related to a medical condition diagnosed by a licensed medical doctor, licensed doctor of dental medicine or a licensed doctor of chiropractic medicine who has specifically referred the client to the registered hypnotherapist in writing or by prescription; or,

(B) Provides assistance to the client in matters related to a mental health condition diagnosed by a licensed mental health professional who has specifically referred the client to the registered hypnotherapist by written referral;

(12) "Registered hypnotherapist" means any person who has registered in accordance with this act for the practice of hypnotherapy;

(13) "Registration" means that which is required to practice hypnotherapy as defined in this act;

(14) "Supervised practice" means the provision of hypnotherapy to a client under the guidance, critique and review of a qualified supervisor; and

(15) "Supervision" means review of aspects of the therapeutic relationship between a hypnotherapist and client or clients in a face-to-face meeting for the purpose of improving the therapeutic skills of the person under supervision.

SECTION 4. (a) There is created within the board the hypnotherapist council. The council shall consist of five (5) members appointed by the governor for four (4) year staggered terms, each of whom shall be a resident of this state. Four (4) members shall be registered hypnotherapists, provided for three (3) years after the effective date of this act such persons shall be qualified as members if the person has not completed the training specified in Section 11(3) but the person can document to the governor the maintenance of a practice of hypnotherapy for remuneration for a period of three (3) years prior to such person's appointment. One (1) member shall be a citizen member having specialized knowledge in the area of hypnotherapy.

(b) Any vacant term shall be filled by the governor for the balance of the unexpired term. Members shall be eligible for reappointment and each member shall serve on the council until a successor is appointed.

(c) The division shall provide such administrative, investigatory and clerical services for the council and the board as shall be necessary to fully implement and enforce the provisions of this part.

(d) The council shall organize annually and shall select a chair and a secretary. A quorum of the council shall consist of three (3) members. Meetings of the council shall be held as frequently as its duties may require. Meetings of the council may be called by the chair of the board or by the chair of the council; provided, that written notification of such called meeting is sent to each council member at least fourteen (14) calendar days in advance of the meeting.

SECTION 5. In addition to the powers elsewhere in this chapter, the board has the duty to:

(1)

(A) Promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of the various duties imposed upon the board or the council by the provisions of this part. Except as otherwise specifically provided by this subdivision, all rules relating exclusively to registered hypnotherapists shall be initiated and adopted by a majority of the members of the hypnotherapists council and then shall be approved by a majority of the members of the board or, alternatively, shall be initiated and adopted by a majority of the members of the board, and shall then be approved by a majority of the members of the council. Subject to the limitations contained in this section, all rulemaking authority delegated by this part shall be vested in the board. The council shall conduct at least one (1) public hearing each year, and shall undertake such other activities as shall be reasonably necessary, to solicit comments from registered hypnotherapists and the public concerning policies of the board and council relating to hypnotherapy, as well as any problems existing within the practice of hypnotherapy which may affect the public.

(B) Within the maximum limitations established elsewhere in this part, fees relating to the practice of hypnotherapy shall be set by the board in an amount sufficient to pay all of the expenses of the council as well as all of the expenses of the board that are directly attributable to the performance of its duties pursuant to the provisions of this part;

(2) Issue, under the board's name, all registrations approved by the council and the board and to maintain a registry of the names and addresses of registered hypnotherapists, and all persons whose registrations have been suspended, revoked, or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the fee as set by the board. It is the duty of the council to review and approve the qualifications of applicants for registration or renewal as hypnotherapists; and

(3) Collect or receive all fees, fines and moneys owed pursuant to the provisions of this part and to pay the same into the general fund of the state.

SECTION 6.

(a) Persons holding a valid registration as a registered hypnotherapist may practice general hypnotherapy or referred hypnotherapy in independent practice, or as part of an association, partnership or corporation.

(b) Persons who are in training to meet the requirements for registration as registered hypnotherapists may practice without registration provided such practice is supervised practice with a person who is a qualified supervisor, and provided such persons in training hold themselves out to the public using the term "intern", or some other designation of trainee status.

SECTION 7.

(a) This act does not prohibit persons legally regulated in Tennessee by any other act from engaging in the practice for which they are authorized so long as they do not represent themselves by the title of registered hypnotherapist. Nothing in this act shall be construed to limit the activities and services provided by a person engaging in the practice of hypnotherapy provided the regulatory act governing such persons contains a scope of practice which might reasonably be interpreted to include the use of hypnotherapy.

(b) This act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners neither represent themselves as nor use the title of registered hypnotherapists, nor provide hypnotherapy as defined in Section 3(5).

(c) Nothing in this act shall be construed to limit the activities and services of a person or intern in hypnotherapy seeking to fulfill the educational or supervision requirements in order to qualify for

registration under this act provided that the activities and services of a person or intern are supervised as specified in this act.

(d) Corporations, partnerships, and associations may employ persons seeking to fulfill the educational or supervision requirements for registration if the activities and services rendered by that person constitute a part of the trainee's supervised course of study or required professional supervision.

(e) Nothing in this act shall prohibit a corporation, partnership, or association from contracting with a licensed or registered health care professional to provide services that are similar to those provided by registered hypnotherapists.

(f) Nothing in this act shall prevent the employment, by a registered hypnotherapist, individual, association, partnership or corporation furnishing hypnotherapy for remuneration, of persons not registered under the act to perform services in various capacities as needed, provided that such persons are not in any manner held out to the public as rendering hypnotherapy as defined in Section 3(5).

(g) Nothing contained in this act shall require any hospital, clinic, home health agency, hospice, or other entity that provides health care services to employ or to contract with a registered hypnotherapist to perform any of the activities defined in Section 3(5).

(h) Nothing in this act shall be construed to limit the services of a person, not registered under the provisions of this act, in the employ of a state, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if:

(1) the services are a part of the duties of the person's salaried position;

(2) the services are performed solely on behalf of the person's employer, and

(3) such persons are not in any manner held out to the public as registered hypnotherapists.

(i) Nothing in this act shall prohibit individuals not registered under this act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, provided that such persons are not in any manner held out to the public as registered hypnotherapists.

SECTION 8.

(a) Unless exempted under Section 7 of this act, no person shall, without holding a valid registration as a registered hypnotherapist:

- (1) in any manner hold him or herself out to the public as a registered hypnotherapist under this act;
- (2) attach the title "registered hypnotherapist"; or
- (3) offer to render or render to individuals, corporations, or the public, hypnotherapy as defined in Section 3(5).

(b) Nothing in this act shall be construed as permitting persons registered as registered hypnotherapists to engage in any manner in the practice of medicine.

(c) When, in the course of providing hypnotherapy to any person, a registered hypnotherapist registered under the provisions of this act finds indication of a disease or condition that in such registered hypnotherapist's judgment requires professional service outside of the hypnotherapist's scope of practice, the registered hypnotherapist shall refer that person to a physician or another appropriate health care provider.

(d) All persons registered as registered hypnotherapists shall give to each client who seeks to receive hypnotherapy from that registered hypnotherapist a full and accurate written disclosure statement of the type and nature of education and training possessed by that registered hypnotherapist. The information contained in this disclosure statement shall contain, but not be limited to, academic degrees earned by the registered hypnotherapist and the nature of their accreditation, training programs in hypnotherapy completed by the registered hypnotherapist, including the number of hours of instruction and duration of training, and national certifications in hypnotherapy held by the registered hypnotherapist. The disclosure statement shall also state that neither psychotherapy nor the diagnosis of mental, dental or medical disease is a part of hypnotherapy and that registration as a registered hypnotherapist does not authorize a person to practice psychotherapy or diagnosis.

(e) No person registered as a registered hypnotherapist shall publicly advertise his or her services in any way that would cause a reasonable person to conclude that the person registered as a registered hypnotherapist is also a doctor of medicine or of psychology, unless such person is licensed to practice medicine or psychology.

SECTION 9.

(a) No renewal of a certificate of registration shall be approved by the council until the certificate holder submits proof satisfactory to the council that, during the year preceding the application for renewal, the applicant has participated in no fewer than fifteen (15) hours of continuing education course work in hypnosis or hypnotherapy which meets the guidelines established for such course work by the rules of the board.

(b) The council shall approve only those continuing education courses which conform with the guidelines established by the rules of the board. Providers of such courses shall also be approved by the council in accordance with guidelines established by the rules of the board.

(c) The rules of the board may establish exceptions from the requirements of this section in emergency or hardship cases. Such cases shall be individually reviewed and approved by the council.

(d) When any such person shall fail to renew that person's registration and pay the renewal fee after renewal becomes due, the registration of such person shall be automatically revoked without further notice or hearing unless renewal is made and all fees paid prior to the expiration of sixty (60) days from the date such renewal becomes due.

(e) Any person registered to practice hypnotherapy by the provisions of this part, who has retired or may hereafter retire from such practice in this state, shall not be made to register as required by this part if such person shall file with the council, an affidavit on a form to be furnished by the council, which affidavit shall state the date on which such person retired from such practice and such other facts as shall tend to verify such retirement as the council shall deem necessary. If such person thereafter reengages in such practice in this state, such person shall apply for registration with the council as provided by this part and shall meet other requirements as may be set by the council.

SECTION 10. (a) Complaints alleging violations of the provisions of this part, or of the provisions of any rule duly promulgated pursuant to Section 5, shall be filed with the board, shall be referred by the board to the division for investigation, and shall be resolved by the council in accordance with the provisions of this part and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A file shall be maintained on each such complaint filed with the board and shall reflect all activities taken by the board, division and council in response to such complaint.

(b) The council, subject to the approval of the board, may impose one (1) or more of the following penalties for violations of the provisions of this part or the provisions of any rule duly promulgated pursuant to Section 5:

- (1) Denial of an application for registration;
- (2) Revocation or suspension of registration;
- (3) Imposition of an administrative fine not to exceed one thousand dollars (\$1,000) for each count or separate offense;
- (4) Placement of a registered hypnotherapist on probation for such length of time and subject to such conditions as the council may specify, including requiring a registered hypnotherapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another hypnotherapist; or
- (5) Issuance of a reprimand.

(c) The council is empowered to refuse to reinstate registration or cause a registration certificate to be issued to a person it has deemed unqualified, until such time as it finds that such person has complied with all the terms and conditions set forth in the final order rendered pursuant to subsection (a) and that the hypnotherapist is capable of safely engaging in the delivery of hypnotherapy. The council shall conduct hearings in accordance with the Uniform Administrative Procedures Act to refuse to issue, renew or to revoke registration or suspend, place on probation, censure, or reprimand persons registered under this act, and to refuse to issue, renew or to revoke registration or suspend, place on probation, censure, or reprimand persons registered under this act;

SECTION 11. (a) A person is qualified to be registered as a registered hypnotherapist, and the board shall issue a registration authorizing the practice of hypnotherapy to an applicant who:

- (1) has applied in writing on the prescribed form and has paid the required fee;
- (2) is at least twenty-one (21) years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this act;
- (3) documents that such applicant has received a minimum of one hundred (100) hours of personal instruction in hypnosis or hypnotherapy that is either sanctioned by a national professional organization, or is from any school teaching hypnotherapy that is accredited by an agency authorized by the United States Department of Education or is otherwise licensed, registered, approved or

sanctioned by any state of the United States, provided such organization or school teaches a curriculum that includes:

- (A) instruction in the history of hypnosis;
- (B) techniques of client assessment;
- (C) suggestibility testing;
- (D) induction and dehypnotization techniques;
- (E) deepening techniques;
- (F) principles of post-hypnotic suggestion;
- (G) contraindications for hypnosis;
- (H) treatment planning;
- (I) self-hypnosis training;
- (J) administration and record-keeping,
- (K) law and ethics; and
- (L) an orientation to the limits of practice specified in this act sufficient to allow a reasonable person to make an informed decision if the client's problem reasonably falls within the scope of hypnotherapy.

(4) has completed a minimum of two hundred (200) hours of supervised practice of hypnotherapy with a person who is a qualified supervisor as defined by this act, with a ratio of not less than one (1) hour of personal supervision for every fifteen (15) hours of supervised practice.

(5) for each year after the initial year of registration, documents fifteen (15) hours of continuing education in hypnosis or hypnotherapy during the previous year.

(b) No person issued a registration under this act authorizing the practice of hypnotherapy shall ever be referred to as a primary care provider or health care provider nor be permitted to use such designation.

SECTION 12.

(a) Applications for registration or renewal as a registered hypnotherapist shall be made to the council on forms prescribed by the board and accompanied by the required fee. The required fee is

not refundable. All applications shall contain such information to enable the council to determine the qualifications of the application for registration to practice as a registered hypnotherapist.

(b) The expiration date and renewal period for each registration issued under this act shall be set by the board. Registered hypnotherapists may renew their registration during the sixty (60) day period preceding its expiration date by paying the required fee and demonstrating compliance with any continuing education requirements.

(c) Any person who has permitted a registration to expire or who has a registration on inactive status may have it restored by submitting an application to the council and filing proof of fitness to have the registration restored, including, if appropriate, evidence which is satisfactory to the council certifying the practice of hypnotherapy in another jurisdiction, and by paying the required fee.

(d) If a person has not maintained an active practice in another jurisdiction which is satisfactory to the council, the council shall determine the person's fitness to resume active status. The council may also require the person to complete a specified period of evaluated hypnotherapy work experience.

(e) Any person whose registration expired while on active duty with the armed forces of the United States, while called into service or training with the national guard or in training or education under the supervision of the United States government before induction into the military service may have such person's registration restored without paying any renewal fees if, within two (2) years after the completion of such service, training, or education, except under conditions other than honorable, the council is furnished with satisfactory evidence that the person was so engaged and that such service, training, or education was so completed.

(f) A registration to practice hypnotherapy shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

SECTION 13.

(a) For three (3) years after the effective date of this act the board shall, on application, issue a registration to any person for the practice of hypnotherapy who has not completed the training specified in Section 11(3), but who can document to the council the maintenance of a practice of hypnotherapy for remuneration for a period of three (3) years. Persons receiving initial registration under this section shall not be required to complete further training in

hypnotherapy beyond the annual continuing education in hypnotherapy required by this act.

(b) For three (3) years after the effective date of this act the board shall, on application, issue a registration to any person for the practice of hypnotherapy who has not completed any internship, trainee or supervision period specified in Section 11(4) but who otherwise meets the requirements of Section 11(4) or who can document to the council using tax returns or other records the maintenance of a practice of hypnotherapy for meaningful remuneration for a period of three (3) years. Persons receiving initial registration under the provision of this section shall not be required to complete any internship, trainee or supervision period for renewal of registration under this act.

SECTION 14. The board may issue a registration for the practice of hypnotherapy to persons who are already registered or licensed to practice hypnotherapy under the laws of another state, if the requirements for registration or licensing in that state are, on the date of licensing or registration, substantially equal to the requirements of this act. Such applicant shall pay all of the required fees.

SECTION 15.

(a) No registered hypnotherapist shall disclose any information acquired from persons consulting such registered hypnotherapist in the capacity as a registered hypnotherapist, except that which may be voluntarily disclosed under the following circumstances:

(1) In the course of formally reporting, conferring, or consulting with administrative superiors, colleagues, or consultants who share professional responsibilities, in which instance all recipients of the information are similarly bound to regard the communication as privileged;

(2) With the written consent of the person who provided the information;

(3) In the case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health or physical condition;

(4) When a communication reveals the intended commission of a crime or harmful act and such disclosure is judged necessary by the registered hypnotherapist to protect any person from a clear, imminent risk of serious mental or physical harm of injury, or to forestall a serious threat to the public safety; or

(5) When the person waives this privilege by bringing any public charges against a registered hypnotherapist.

(b) When the person is a minor and the information acquired by the registered hypnotherapist indicates the minor was the victim or subject of a crime, the registered hypnotherapist may be required to testify in any judicial proceedings in which the commission of that crime is the subject of inquiry when, after in camera review of the information that the registered hypnotherapist acquired, the court determines that the interests of the minor in having the information held privileged are outweighed by the requirements of justice, the need to protect the public safety or the need to protect the minor.

(c) Any person having access to records, who participates in providing hypnotherapy or supervised by a registered hypnotherapist, is similarly bound to regard all information and communications as privileged in accord with this section.

(d) Nothing in this act shall be construed to prohibit a registered hypnotherapist from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect or other matters pertaining to children.

SECTION 17.

(a) The council may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the department deems appropriate, including the issuance of civil penalties not to exceed one thousand dollars (\$1,000) for each violation, with regard to any registration for any one (1) or more of the following:

(1) Material misstatement in furnishing information to the council or board or to any other state agency;

(2) Violations or negligent or intentional disregard of this act, or any of its rules and regulations;

(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, or that is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of hypnotherapy;

(4) Making any misrepresentation for the purpose of obtaining a registration as a registered hypnotherapist;

(5) Incompetence or gross negligence in the rendering of hypnotherapy;

(6) Malpractice

(7) Advising or assisting another person in violating any provision of this act or any of its rules;

(8) Failing to provide information within sixty (60) days in response to a written request made by the council or board;

(9) Engaging in dishonorable, unethical, or conduct likely to deceive, defraud, or harm the public and violating any rules of conduct established by the board as part of a reasonable effort to regulate the practice of hypnotherapy;

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice hypnotherapy with reasonable skill, judgment, or safety;

(11) Discipline by another jurisdiction, if at least one (1) of the grounds is the same or substantially equivalent to those set forth in this section;

(12) Discipline or directly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any service not actually rendered;

(13) A finding by the council that the person registered as a registered hypnotherapist, after having had the registration placed on probationary status, has violated the terms of probation;

(14) Abandonment of a client;

(15) Willfully filing false reports relating to the practice of a registered hypnotherapist, including but not limited to false records filed with federal or state agencies or departments;

(16) Willfully failing to report an instance of suspected child abuse or neglect;

(17) Upon proof by clear and convincing evidence that the registered hypnotherapist has caused a child to be an abused child or neglected child;

(18) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice hypnotherapy with reasonable judgment, skill or safety;

(19) Solicitation of professional services by using false or misleading advertising; or

(20) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by the Tennessee department of revenue or the Internal Revenue Service or any successor agency.

(c) The determination by a court that a person registered for the practice of registered hypnotherapy is subject to involuntary admission or judicial admission shall result in an automatic suspension of registration. The suspension will end upon a finding by a court that the person registered as a registered hypnotherapist is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and a decision by the department that the registered hypnotherapist be allowed to resume the practice of hypnotherapy.

SECTION 17. (a) The council may summarily suspend the registration to practice hypnotherapy without a hearing, simultaneously with the institution of proceedings for a hearing if the council finds that evidence indicates that the continuation of practice by the registered hypnotherapist would constitute an imminent danger to the public. In the event that the director summarily suspends the registration of an individual without a hearing, a hearing must be held within thirty (30) days after the suspension has occurred.

(b) All hearings shall be conducted in accordance with and final administrative orders are subject to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 18. Unless otherwise specified, any person found to have violated Sections 15(a), and 16(a)(15) of this act is guilty of a Class A misdemeanor.

SECTION 19. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1996, the public welfare requiring it.

Rep. McDaniel moved the previous question, which motion prevailed.

Rep. Odom moved that House Bill No(s). 168 be reset to the Regular Calendar for April 4, 1996, which motion prevailed.

House Bill No. 3110 -- Dentists - Authorizes dentofacial orthopedics to be recognized as a specialty branch of dentistry. Amends TCA Title 63, Chapter 5. by *Odom. (*SB2648 by *Person)

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On motion, House Bill No. 3110 was made to conform with **Senate Bill No. 2648**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2648 be passed on third and final consideration.

Rep. Duer moved the previous question, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 2648** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1273 -- Attorneys at Law - Prohibits attorneys from contacting injured persons within 30 days of date of injury for purpose of solicitation; violation is Class C misdemeanor. Amends TCA Title 23, Chapter 3, Part 1. by *Herron, *Buck. (*SB621 by *Jordan, *McNally, *Gilbert, *Person, *Miller J, *Atchley, *Holcomb, *Carter, *Haun, *Springer, *Rice, *Fowler, *Cooper, *Elsea, *Dixon, *Crutchfield, *Burks)

On motion, House Bill No. 1273 was made to conform with **Senate Bill No. 621**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 621, be passed on third and final consideration.

Rep. Buck requested that Judiciary Amendment No. 1 be moved to the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 621 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 23, Chapter 3, Part 1, is amended by adding the following new section:

(a) It is hereby declared to be the public policy of this state that a contract for professional employment with a client which is the result of impermissible solicitation which is in contravention of Tennessee Supreme Court Rule 8, Disciplinary Rule 2-104, or subsection (b) of this section is unenforceable and void as against public policy.

(b) No attorney licensed in this or any other state, nor any person acting on behalf of such attorney, may, by telephone, mail, facsimile transmission, computer on-line transmission, in-person, or by any other communication directed to the specific recipient, initiate contact with a person for the purpose of soliciting professional employment from such person within thirty (30) days of the date of the transaction or occurrence giving rise to the potential professional employment unless such attorney has a family or current or prior professional relationship with the person contacted.

(c) In addition to any other powers, the Tennessee Supreme Court Board of Professional Responsibility is hereby given the power to seek and obtain an injunction against any lawyer or person who contravenes Tennessee Supreme Court Rule 8, Disciplinary Rule 2-104 or who initiates contact to solicit in contravention of subsection (b) of this section.

(d) The provisions of this section shall not apply to persons submitting applications to private business entities which are seeking to hire an attorney for full-time employment.

(e) A violation of this section is a Class C misdemeanor, punishable by fine only.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Herron moved that **Senate Bill No. 621** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Kernell, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

REMARKS

Rep. Kernell asked that the following comments on Senate Bill No. 621 be spread in the journal:

"I voted no. In regard to my vote on House Bill No. 1273 I once was too sick to go find a lawyer and wished that someone had called when I needed one"

REGULAR CALENDAR, CONTINUED

House Bill No. 2555 -- Real Estate Agents and Brokers - Authorizes limited agencies for providing of real estate advice but not being representative or advocate of parties to real estate transaction. Amends TCA Title 62, Chapter 13. by *Byrd, *Ramsey, *Patton, *Kent. (*SB2822 by *Wallace)

On motion, House Bill No. 2555 was made to conform with **Senate Bill No. 2822**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 2822 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

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Rep. Byrd moved that **Senate Bill No. 2822** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

***House Bill No. 2542** -- Veterinarians - Authorizes nonveterinarians to own and operate veterinary hospitals and facilities under certain circumstances. by *Bragg. (SB2884 by *Womack)

On motion, House Bill No. 2542 was made to conform with **Senate Bill No. 2884**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 2884** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 1, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2801; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2801 -- Health, Dept. of - Increases from three to four number of nominees for director of division of health related boards. Amends TCA Title 63. by *Womack.

***House Bill No. 2409** -- Health, Dept. of - Increases from three to four number of nominees for director of division of health related boards. Amends TCA Title 63. by *Rhinehart, *Bragg. (SB2801 by *Womack)

On motion, House Bill No. 2409 was made to conform with **Senate Bill No. 2801**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 2801 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 2801** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2654 -- Administrative Procedure - Lowers, from 25 to 20, number of persons required to file petition to prevent administrative agency from proceeding with rulemaking. Amends TCA Title 4. by *Kernell. (*SB2859 by *Haynes)

Rep. Kernell moved that House Bill No. 2654 be passed on third and final consideration.

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Rep. Kernell requested that Government Operations Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Kernell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2654 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-225(b), is amended by adding the following language to the end thereto:

All rules and regulations issued or promulgated by any department or agency of State government whose functions, duties, or responsibilities have been transferred to another department or agency shall remain in full force and effect and shall thereafter be administered and enforced by the agency or department assuming responsibility for those functions, duties, or responsibilities as rules of that agency or department and all proposed rules pending with the attorney general or secretary of state, unless withdrawn, shall continue that status as proposed rules until becoming effective as rules of the agency assuming the functions, duties, or responsibilities. The agency or department assuming responsibility for such functions, duties, or responsibilities shall have the authority to promulgate new rules and regulations pursuant to this chapter to effectuate its duties and responsibilities. To this end, the department or agency shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred, to modify or rescind orders, rules and regulations, decisions or policies heretofore issued and to adopt, issue or promulgate new orders, rules and regulations, decisions or policies as may be necessary for the administration of the programs or functions transferred.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **House Bill No. 2654**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2142 -- Sunset Laws - Department of mental health and mental retardation, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB2000 by *Haynes)

Rep. Kernell requested that House Bill No. 2142 be moved to the heel of the Calendar.

House Bill No. 2141 -- Sunset Laws - Department of mental health and mental retardation, board of trustees, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 33, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2028 by *Haynes)

On motion, House Bill No. 2141 was made to conform with **Senate Bill No. 2028**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2028, be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2028** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt,

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Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 2279** -- Teachers - Allows retired teachers to work as substitute teachers without renewing teaching certification. Amends TCA Section 49-3-312. by *Williams (Union), *Roach, *Boyer, *Davis, *Huskey. (SB2505 by *Haun)

On motion, House Bill No. 2279 was made to conform with **Senate Bill No. 2505**; the Senate Bill was substituted for the House Bill.

Rep. Williams(Union) moved that **Senate Bill No. 2505** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2664 -- Economic and Community Development, Dept. of - Directs department to annually inventory and catalog all inner-city industrial and commercial real property available for sale, lease and/or development in principal municipality in each of four urban counties. Amends TCA Title 4, Chapter 3, Part 7. by *Brooks, *Brown, *Armstrong, *Turner (Shelby), *Pruitt, *Bowers, *Langster, *DeBerry L., *Kernell, *Jones U (Shelby), *Towns, *DeBerry J, *Miller L. (*SB2431 by *Ford J)

Rep. Brooks moved that House Bill No. 2664, be re-referred to the Finance, Ways & Means Committee, which motion prevailed.

***House Bill No. 2489** -- Penal and Reformatory Institutions - Requires prison or jail director to notify employees of identity of inmates known to have infectious diseases;

limits application to employees who physically interact with such inmates; prohibits release of confidential information to public. by *Windle, *Bowers. (SB3225 by *Burks)

Rep. Windle moved that House Bill No. 2489 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1.

Amendment No. 1

AMEND House Bill No. 2489 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) It is the intent of the general assembly to protect the health and safety of the citizens of Tennessee through control of the spread of infectious diseases. The purpose of this act is to require a correctional institution to inform an employee of the infectious disease status of an inmate if the employee has potentially been exposed to an infectious disease by the inmate.

(b) For purposes of this section, the following definitions apply:

(1) "Bloodborne pathogen" means the pathogenic microorganism that is present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

(2) "Exposure incident" means a specific eye, mouth, other mucous membrane, skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

(3) "Source individual" means any inmate, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure.

(c) Following a report of an exposure incident, a superintendent, director, or warden of a correctional institution, county or municipal jail, or workhouse shall test the source individual, or source individuals, with or without the source individual's consent, to determine bloodborne pathogen infectivity.

(d) The superintendent, director or warden of the penitentiary, correctional institution, county or municipal jail, or workhouse shall disclose the results of the testing to each correctional employee or law enforcement officer who was involved in the exposure incident and who reasonably believes that he or she may have been exposed to a serious or life-threatening disease or pathogen.

(e) This act does not authorize the release of confidential information to members of the public in violation of Tennessee Code Annotated, Section 10-7-504. For the purposes of this act, those correctional employees and law enforcement officers informed of the results of any inmate's test for infectious diseases shall treat the information received as confidential.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Windle requested that House Bill No. 2489 be moved to the heel of the Calendar.

House Bill No. 946 -- Insurance Companies, Agents, Brokers - Requires 12 hours of continuing education for resident and nonresident insurance agents annually; provides for regulation of conduct of prelicensing and continuing education providers. Amends TCA 56-6-160. by *Wood, *Ramsey. (*SB925 by *Womack)

On motion, House Bill No. 946 was made to conform with **Senate Bill No. 925**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 925, be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 925 by deleting Section 1(b) in its entirety and substituting instead the following

(b)(1) The rules adopted pursuant to Subdivision (a)(2) shall not apply to any individual, who at renewal:

(A) Is at least sixty-five (65) years of age; or

(B) Has been continuously licensed as an agent in Tennessee for not less than fifteen (15) years.

(2) An agent who was licensed before January 1, 1997, and who has completed the licensing requirements is not required to take the

continuing education courses established in this chapter. Provided, however, an agent who was licensed before January 1, 1997, may elect in writing to be subject to the continuing education requirements of this chapter. Such agent is entitled to certification from the department of commerce and insurance as having complied with the continuing education requirements upon completing the required continuing education courses.

(3) Each agent licensed after January 1, 1997, shall complete the continuing education requirements established in this chapter.
AND FURTHER AMEND by deleting from the effective date the section the date

"January 1, 1996" and substituting instead the date "January 1, 1997".

On motion, Amendment No. 1 was adopted.

Rep. Wood moved that **Senate Bill No. 925**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Brooks, Hargrove, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

House Bill No. 937 -- Nurses, Nursing - Permits nurse practitioners under supervision of osteopathic physicians to prescribe medication. Amends TCA 53-10-104(a)(1), 53-10-105(b)(2); 63-1-132(c); 63-10-101(7), 201(c)(2). by *Gunnels. (*SB1184 by *Miller J)

On motion, House Bill No. 937 was made to conform with **Senate Bill No. 1184**; the Senate Bill was substituted for the House Bill.

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Rep. Gunnels moved that **Senate Bill No. 1184** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Joint Resolution No. 431** -- General Assembly. Studies - Continues special joint committee (HJR 89) to study women's health issues for two years. by *Chumney, *Eckles, *Purcell, *Naifeh, *DeBerry L, *Ridgeway, *Byrd, *Jackson, *Langster, *Eckles.

Rep. Chumney moved that the House adopt House Joint Resolution No. 431.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Joint Resolution No. 431 by adding the following language at the end of the second resolving clause:

Further, the special joint committee shall be expanded to include two (2) additional members of the House of Representatives and two (2) additional members of the Senate, to be appointed by the respective Speakers.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved **House Joint Resolution No. 431**, as amended, be adopted which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

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Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 226** -- General Assembly, Studies - Continues Select Joint Committee on Veterans' Affairs. by *Womack.

Rep. Givens moved that the House concur in Senate Joint Resolution No. 226.

Rep. Givens moved that Senate Joint Resolution No(s). 226 be reset to the Regular Calendar for April 4, 1996, which motion prevailed.

House Bill No. 893 -- Attorneys at Law - Redefines "legal practice" to include solicitation; permits victims of unauthorized legal practice to sue for actual damages or treble legal fees paid and attorneys fees. Amends TCA Title 23, Chapter 3. by *Herron, *Buck, *Jackson, *Windle, *Haley. (*SB794 by *Haynes)

On motion, House Bill No. 893 was made to conform with **Senate Bill No. 794**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 794, be passed on third and final consideration.

Rep. Windle moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Herron moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 794 by deleting the amendatory language in Section 4 of the printed bill and substituting the following:

(c)(1) The attorney general and reporter may bring an action in the name of the state to restrain by temporary restraining order, temporary injunction, or permanent injunction any violation of this act; to obtain a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per violation; and to obtain restitution for any person who has suffered an ascertainable loss by reason of the violation of this act. The attorney general and reporter shall be entitled to be reimbursed for the reasonable

costs and expenses of investigation and prosecution of acts under this part, including, but not limited to, reasonable attorney fees as well as expert and other witness fees. Provided, however, that the attorney general and reporter shall bring an action against a person for violating the prohibitions against directly or indirectly soliciting clients, as set forth in §§ 23-03-101 and 103(a), upon investigation and referral by the Board of Professional Responsibility. Such an action may also be brought by the district attorney general of the county in which the prohibited solicitation occurred.

(2) The action may be brought in a court of competent jurisdiction (a) in the county where the alleged violation took place or is about to take place; (b) in the county in which the defendant resides, has a principal place of business; conducts, transacts, or has conducted business; or (c) if the defendant cannot be found in any of the above locations, in the county in which the defendant can be found.

(3) The courts are authorized to issue orders and injunctions to restrain, prevent and remedy violations of this act, and such orders and injunctions shall be issued without bond.

(4) Any knowing violation of the terms of an injunction or order issued pursuant to this part shall be punishable by a civil penalty of not more than two thousand dollars (\$2,000) per violation, in addition to any other appropriate relief.

AND FURTHER AMEND by adding the following as a new, appropriately numbered Section 5 immediately before the existing Section 5 and renumbering the current Section 5 accordingly:

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved that **Senate Bill No. 794**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee,

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McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 2365** -- Health - Requires facilities which offer specialized care and treatment of persons with Alzheimer's disease to disclose form of care and treatment provided for such persons. Amends TCA Title 68, Chapter 11. by *Turner (Hamilton), *Stulce, *Haley. (SB2479 by *Crutchfield, *Cohen, *Harper)

Further consideration of House Bill No. 2365, previously considered on March 28, 1996, and reset to today's Calendar.

On motion, House Bill No. 2365 was made to conform with **Senate Bill No. 2479**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Hamilton) moved that Senate Bill No. 2479, be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND Senate Bill No. 2479 by deleting from Section 4, subsection (a) the language "any health facility engaged in the treatment of the elderly as defined by Tennessee Code Annotated, Section 68-11-201," and by substituting instead the language "except for facilities exempted from this act pursuant to Section 5(a), any facility licensed under the provisions of Tennessee Code Annotated Title 68, Chapter 11, Part 2 which is engaged in the treatment of the elderly,".

AND FURTHER AMEND Section 5 by adding the following language at the end of subsection (a):

Provided, however, any facility licensed under the provisions of Tennessee Code Annotated Title 68, Chapter 11, Part 2 which is engaged in the treatment of the elderly shall not be required to comply with the disclosure requirements of this act merely because the facility provides specialized care, treatment or therapeutic activities for one (1) or more persons with a probable diagnosis of Alzheimer's disease or Alzheimer's related dementia unless such facility advertises or markets that it does so provide such specialized care, treatment or therapeutic activities for such persons. However, if such a facility does in fact provide specialized care, treatment or therapeutic activities for a patient having such a diagnosis or dementia beyond that care, treatment, or therapeutic activities provided to persons who do not have such a diagnosis or dementia, and if an immediate

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family member of such patient requests information relative to such specialized care, treatment or therapeutic activities, then the facility shall disclose such information to the requesting family member. The facility may, but is not required to, use the disclosure form developed by the department pursuant to Section 5(c). If this form is not used, the information shall be provided in a manner to address the questions and concerns of the requesting family member.

On motion, Amendment No. 1 was adopted.

Rep. Turner(Hamilton) moved that **Senate Bill No. 2479**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by *Kyle. (HB1328 by *Buck)

Further consideration of Senate Bill No. 1563, previously considered on March 28, 1996, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1 and 2, and reset to today's Calendar.

Rep. Buck moved that Senate Bill No. 1563, as amended be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1563 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 34-13-106, is amended by deleting from subpart (1) the words "jury trial" and substituting instead the word "hearing".

On motion, Amendment No. 3 was adopted.

Rep. Buck moved that Senate Bill No. 1563, as amended, be passed on third and final consideration.

Rep. Buck moved that Senate Bill No(s). 1563 be reset to the Regular Calendar for April 8, 1996, which motion prevailed.

House Joint Resolution No. 497 -- Memorials, Sports - Memphis East High School boys' basketball team, 1995-96 Class AAA state champions. by *DeBerry L., *Naifeh, *Brooks, *Kernell, *Jones U (Shelby), *Kent, *Miller L.

Further consideration of House Joint Resolution No. 497 previously considered on March 27, 1996, at which time it was objected to on the Consent Calendar, and March 28, 1996, and reset to today's Calendar.

Rep. Miller moved that House Joint Resolution No(s). 497 be reset to the Regular Calendar for April 18, 1996, which motion prevailed.

House Bill No. 2142 -- Sunset Laws - Department of mental health and mental retardation, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB2000 by *Haynes)

Further consideration of House Bill No. 2142, previously considered on today's Calendar.

On motion, House Bill No. 2142 was made to conform with **Senate Bill No. 2000**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2000, be passed on third and final consideration.

Rep. Kernell moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1 as House Amendment No. 2.

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Rep. Kernell moved that **Senate Bill No. 2000** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 2489** -- Penal and Reformatory Institutions - Requires prison or jail director to notify employees of identity of inmates known to have infectious diseases; limits application to employees who physically interact with such inmates; prohibits release of confidential information to public. by *Windle, *Bowers. (SB3225 by *Burks)

Further consideration of House Bill No. 2489, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 2489 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2489 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) It is the intent of the general assembly to protect the health and safety of the citizens of Tennessee through control of the spread of infectious diseases. The purpose of this act is to require a correctional institution to inform an employee of the infectious disease status of an inmate if the employee has potentially been exposed to an infectious disease by the inmate.

(b) For purposes of this section, the following definitions apply:

(1) "Bloodborne pathogen" means the pathogenic microorganism that is present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

(2) "Exposure incident" means a specific eye, mouth, other mucous membrane, skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

(3) "Source individual" means any inmate, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure.

(c) Following a report of an exposure incident, a superintendent, director, or warden of a correctional institution, county or municipal jail, or workhouse shall test the source individual, or source individuals, with or without the source individual's consent, to determine bloodborne pathogen infectivity.

(d) The superintendent, director or warden of the penitentiary, correctional institution, county or municipal jail, or workhouse shall disclose the results of the testing to each correctional employee or law enforcement officer who was involved in the exposure incident and who reasonably believes that he or she may have been exposed to a serious or life-threatening disease or pathogen.

(e) This act does not authorize the release of confidential information to members of the public in violation of Tennessee Code Annotated, Section 10-7-504. For the purposes of this act, those correctional employees and law enforcement officers informed of the results of any inmate's test for infectious diseases shall treat the information received as confidential.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that House Bill No. 2489, as amended, be passed on third and final consideration.

Rep. Windle moved that House Bill No(s). 2489 be reset to the Regular Calendar for April 4, 1996, which motion prevailed.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 432; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 432 -- Memorials, Retirement - Senator Anna Belle Clement O'Brien. by *Haynes, *Rochelle, *Harper, *Burks, *Kyle, *Ford J, *Crutchfield, *Dixon, *Henry, *Womack, *Wallace, *Springer, *Cooper, *Cohen, *Wilder, *Koella, *Atchley, *Elsea, *Person, *Gilbert, *Jordan, *Holcomb, *Miller J, *Carter, *Fowler, *Wright, *Leatherwood, *Rice, *Haun, *McNally, *Hamilton, *Crowe.

BILLS WITHDRAWN

On motion of Rep. Chumney, **House Bill No. 2503** was recalled from the State & Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Ridgeway moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 432 out of order, which motion prevailed.

Senate Joint Resolution No. 432 -- Memorials, Retirement - Senator Anna Belle Clement O'Brien. by *Haynes, *Rochelle, *Harper, *Burks, *Kyle, *Ford J, *Crutchfield, *Dixon, *Henry, *Womack, *Wallace, *Springer, *Cooper, *Cohen, *Wilder, *Koella, *Atchley, *Elsea, *Person, *Gilbert, *Jordan, *Holcomb, *Miller J, *Carter, *Fowler, *Wright, *Leatherwood, *Rice, *Haun, *McNally, *Hamilton, *Crowe.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ridgeway, with the request that all members be added as sponsors, the resolution was concurred in by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West

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Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 4, 1996:

House Bill No. 1952: by Rep. Newton.

House Bill No. 2968: by Rep. Kisber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1031: Rep(s). Whitson as prime sponsor(s).

House Bill No. 1876: Rep(s). Cole(Dyer) as prime sponsor(s).

ENROLLED BILLS

April 1, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2318; also, House Joint Resolution(s) No(s). 380, 480, 485, 486, 487, 488, 489, 490, 491 and 492.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 1, 1996

The Speaker signed the following: House Bill(s) No(s). 2318; also House Joint Resolution(s) No(s). 380, 480, 485, 486, 487, 488, 489, 490, 491 and 492.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 479, 493, 494, 495, 496 and 498; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 645, 2520, 2887, 2951 and 3203; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 383 and 426; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2455, amended, substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2822; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2822 --** Real Estate Agents and Brokers - Authorizes limited agencies for providing of real estate advice but not being representative or advocate of parties to real estate transaction. Amends TCA Title 62, Chapter 13. by *Wallace, *Person.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2622, 2698, 2788 and 2974; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1952; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 1, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2654, 2795, 2862, 2980, 3059, 3060, 3062, 3267, 3268, 3269, 3270, 3274, 3275, 3276, 3277, 3280 and 3281; also, House Joint Resolution(s) No(s). 431, 505 and 506.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3052; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 1, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 383, 426, 479, 493, 494, 495, 496 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 1, 1996

The Speaker signed the following: House Joint Resolution(s) No(s). 383, 426, 479, 493, 494, 495, 496 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1920, 2399, 2521, 2582, 2601, 2607, 2728, 2783, 2877, 2934 and 3162; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2366; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1336, 2318, 2973, 2988, 2991, 2993, 3265 and 3266; also, House Joint Resolution(s) No(s). 380, 475, 476, 477, 480, 481, 484, 485, 486, 487, 489, 490, 491 and 492; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April 4, 1996.